



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : SEROWSKI et al.
Appln. No. : 10/642,964
Conf. No.: : 4172
Filed: : August 28, 2003
Title: : SWIVEL DEVICE UTILIZING BEARING CLEARANCE TO
ALLOW CARBON DIOXIDE LADEN EXHAUST

Group Art Unit : 3771
Examiner : Mitchell, T.
Docket No. : 96-02 C2

* * * * *

04/11/2007 HDEMESS1 00000022 500558 10642964

April 10, 2007

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TERMINAL DISCLAIMER
(By Attorney)
Re Double-Patenting Rejection

Hon. Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Sir:

The undersigned petitioner, an attorney of record, is hereby acting for the undernamed entity, which is the 100% owner of all rights, title, and interests in the subject application:

1. ☐ by virtue of being the inventor(s) and having not assigned this application;
2. ☒ as shown on the Assignment recorded November 8, 2005 on Reel 016747 at Frame 0570; in U.S. Patent Appln No. 09/337,595, now U.S. Patent No. 6,615,830, which is the parent of the present application;
3. ☐ as shown by the attached copy of the Assignment filed for recordal on _____;
4. ☒ and, if the Assignor in the Assignment is not the original owner, the chain of title from the original owner to that Assignment as recorded on:
Reel 008601 at Frame 0864, Reel 016741 at Frame 0570;

and hereby disclaims (except as provided below) the terminal part of the statutory term of any patent granted on the subject application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shorted (if at all) by any terminal disclaimer of:

5. ☐ any patent granted in regard to U.S. Application No. _____ filed _____;
6. ☒ the earlier granted United States Patent Number 6,615,830;

to which said entity also has legal title.

Petitioner hereby reserves the right to extend the term of the patent, which issues on this application, for regulatory delay or otherwise as the law allows. Petitioner hereby agrees that any patent so granted on the subject application shall be enforceable only for an during such period that it and the patent(s) in the above items numbered 5 or 6 are commonly owned. This agreement runs with any patent granted on the subject application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent(s) in the item numbered 5 or 6 above, as presently shortened by any terminal disclaimer, of the above-listed patent in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminal disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its fully statutory term as presently shorted by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

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States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Entity: RIC Investments, LLC

Attorney Signature Michael W. Haas

Name: Michael W. Haas

Reg. No.: 35,174

Date: April 10, 2007

Note: The Commissioner is authorized to charge the Terminal Disclaimer fee required under 37 C.F.R. § 1.20(d) to Deposit Account No. 50-0558. Two copies of a Fee Transmittal form are submitted for this purpose.

APR 10 2007

FEE TRANSMITTAL

(Effective 12/08/2004)

Application Number	10/642,964
Filing Date	August 18, 2003
First Named Inventor	SEROWSKI et al.
Confirmation Number	4172
Group Art Unit	3771
Examiner's Name	Mitchell, T.
Attorney Docket No.	96-02 C2

"Express Mail" Label No. EV 196265203 US

TOTAL AMOUNT OF PAYMENT \$ 130.00**METHOD OF PAYMENT**1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number
Deposit
Account
Name

50-0558

Respironics, Inc.

☒Charge any additional
fee required under 37
C.F.R. §§ 1.16, 1.17
1.19 and 1.20☐Charge the Issue Fee set
forth in 37 C.F.R. § 1.182. ☐ Payment Enclosed:

Check (Check No. _____)

FEE CALCULATION (fees effective 12/08/2004)**1. BASIC FILING, SEARCH, AND EXAM FEES**

(Large Entity Only)

Appl. Type	Filing Fee(\$)	Search Fee(\$)	Exam Fee(\$)	Fees Paid
Utility	300	500	200	
Design	200	100	130	
Plant	200	300	160	
Reissue	300	500	600	
Provisional	200	0	0	

SUBTOTAL (1) \$ 0.00**2. CLAIMS**

	Extra Claims	Fee from Below	Fee Paid
Total Claims	___	___ x 50 =	
Ind. Claims	___	___ x 200 =	
Multiple Dependent Claims add		360 =	

* Enter Highest Number Previous Paid For

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 360	2203 180	Multiple dependent claim
1204 200	2204 100	Reissue independent claims over original patent
1205 50	2205 25	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0.00**FEE CALCULATION** (continued)**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 for each additional 50 sheets or fraction thereof. See 35 U.S.C. § 41(a)(1)(G) and 37 C.F.R. § 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 fraction thereof	Fee(\$)	Fee Paid(\$)
0 - 100 = 0	0 / 50 = 0	0 (round up to a whole number)	250	0.00

4. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or declaration	
1811	100	1811	100	Certificate of Correction	
1812	2,520	1812	2,520	For filing a request for reexamination	
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error	
1251	120	2251	60	Extension for response within first month	
1252	450	2252	225	Extension for response within second month	
1253	1,020	2253	510	Extension for response within third month	
1254	1,590	2254	795	Extension for response within fourth month	
1255	2,160	2255	1,080	Extension for response within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive unavoidably abandoned application	
1453	1,500	2453	750	Petition to revive unintentionally abandoned application	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1814	130	2814	65	Statutory Disclaimer	130.00
1460	130	1460	130	Petitions to the Director	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of property)	
1801	790	2801	395	Request for Continued Examination	
1504	300	1504	300	Publication Fee	

Other Fee (specify) _____

SUBTOTAL (3) \$ 130.00**SUBMITTED BY**

Typed or Printed Name	Michael W. Haas	Reg. Number	35,174
Signature	<i>Michael W. Haas</i>	Date	April 10, 2007
		Deposit Account Number	50-0558